

REMARKS

Claim 4 stands newly rejected under 35 U.S.C. §103(a) as being unpatentable over Xu et al. (Implementation Techniques of IntServ/DiffServ Integrated Network-IEEE, Vol, 1 (hereinafter referred to as (Xu) in view of US patent No. 7,359,984 (hereinafter referred to as Hackney). Reconsideration of the rejection and allowance of the pending claim is respectfully requested in view of the following remarks.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art.

Claim 4 is directed to a method for relaying Internet Protocol (IP) packets to an external control component assigned to a network node in a communication network. The communication network has a plurality of network nodes and switching IP packets. The method includes receiving an in-band IP signaling packet at an external interface of the network node. The method further includes connecting the external interface to the external control component. The packet is identified as an RSVP (Resource Reservation Protocol) type of packet. A DSCP (Differentiated Services Code Point) field in the header of the packet is modified as a function of the receiving external interface. The DSCP field contains the value uniquely assigned to the receiving external interface. The modified packet is routed to the external control component connected to the external interface, and thus relays Internet Protocol (IP) packets to the external control component assigned to the network node.

Xu is directed to using the DSCP values for signaling messages (page 231, col. 2). More specifically Xu teaches modifying a DSCP field to a non unique value of (110000) to indicate RSVP messages. The Examiner argues that although Xu is silent regarding the DSCP field containing the value uniquely assigned to the receiving external interface that Hackney discloses “the field of the packet is modified to be used for a non-intended use such as identifying a destination address that the packet will be routed to; the destination address in this case can be used to identify the address of the BB to which the RSVP message would be routed to”. Applicant respectfully submits changing the DSCP field as taught by Hackney would be unsuitable for Xu since Xu teaches that the DSCP field identifies the signaling message. In the case of RSVP Xu teaches that the DSCP field is the non unique value of 110000. Accordingly,

the proposed combination of Xu (DSCP header having a non unique value of 110000 to indicate a RSVP signaling message) and Hackney (describing a non-standard use of the DSCP field to indicate routing) does not meet the requirements of M.P.E.P. 2143.01 VI, requiring that the proposed modification cannot change the principle of operation of a reference. In view of the foregoing considerations, since combining Hackney with Xu would change the principle of operation of Xu, it follows that the teachings of the combination of Xu and Hackney are not sufficient to render the claim *prima facie* obvious and the 103 rejections should be withdrawn.

Conclusion

It is respectfully submitted that the claim pending in this application recites patentable subject matter, and it is further submitted that such a claim complies with all statutory requirements and thus such claim should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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